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PROFETA & EISENSTEIN

22ND FLOOR
14 WALL STREET
NEW YORK, NEW YORK 10005
(212) 577-6500

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JETHRO M. EISENSTEIN
FRED R. PROFETA, JR.

TELECOPIER
(212) 577-6702
E-MAIL: pe1616@aol.com

OF COUNSEL
BERNARD A. HELFAT†
CONSTANCE M. BURK
MICHAEL J. ORLOFSKY**

†ALSO A MEMBER OF THE
DISTRICT OF COLUMBIA BAR
*ALSO A MEMBER OF NEW JERSEY BAR

August 31, 2007

Honorable Deborah A. Batts
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
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Re: Maskaev, et al. v. WBC, et al.
07 CV 3147 (DAB)

Dear Judge Batts

Denied
s/DAB
9/5/2007
I represent the plaintiffs in the above-captioned action. I am writing to request one week to submit further papers in opposition to defendants' motion to dismiss in favor of mediation/arbitration for the reason set forth below.

In their initial motion papers, defendants accepted as true the facts set forth in the amended complaint for the purpose of the motion. Now, in their reply, defendants have submitted wholly contrary facts, based on documents we have never seen. For example, the letter from Peter's attorneys to the Court of Arbitration for Sports ("CAS") dated May 2, 2007 (Exhibit M attached to the declaration of Jeremy A. Cohen dated August 23, 2007) was (a) written long after Klitschko had withdrawn from the three-way tug of war, (b) written after the WBC had announced Peter would be Maskaev's opponent in the mandatory title defense and (c) never sent to any of the attorneys representing Maskaev. In addition, the timing of the letter is most interesting as it was written after the parties had appeared before you on plaintiffs' application for interim relief. At that hearing it was essentially conceded that Peter had refused to participate in the CAS proceeding, and it looks to us like

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Honorable Deborah A. Batts 2

August 31, 2007

Peter's representatives subsequently decided to manufacture "facts on the ground" showing that Peter had participated.

For this reason we seek an opportunity to address these new "facts" in more detail. Thank you for considering this request.

Respectfully

Jethro M. Eisenstein
Jethro M. Eisenstein *uy S#S*

JME/s

cc: Manatt, Phelps & Phillips (VIA TELECOPY)
Kramer Levin Naftalis & Frankel, LLP (VIA TELECOPY)
Schrader & Schoenberg, LLP (VIA TELECOPY)
Curtis, Mallet-Prevost, Colt & Mosle, LLP (VIA TELECOPY)

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SO ORDERED

Deborah A. Batts

DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE

9/5/2007

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